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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FIRDOS S. SHEIKH, M.D.,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

No. 2:22-cv-00409-WBS-AC

**STIPULATION AND ORDER TO CONTINUE
BRIEFING SCHEDULE AND MOTION
HEARING DATE**

Current Date/Time: Oct. 31, 2022, at 1:30 p.m.

Proposed Date/Time: Nov. 21, 2022, at 1:30 p.m.

Plaintiff Firdos Sheikh, M.D., on the one hand, and Defendants U.S. Department of Homeland Security and former special agents Carol Webster and Eugene Kizenko (collectively, “Defendants”), on the other hand, hereby stipulate and agree as follows, subject to Court approval:

WHEREAS, the hearing on Defendants’ motion to dismiss was continued on the Court’s own motion to from October 24, 2022, to October 31, 2022 (Doc. 13);

WHEREAS, Plaintiff’s Opposition brief is presently due on August 22, 2022, and Defendants’ Reply brief is presently due on September 6, 2022 (Doc. 11);

1 WHEREAS, Plaintiff's counsel is set to start a trial on October 31, 2022, in Los Angeles County,
2 which was set before the hearing in this case was set, and which is likely to proceed as scheduled and
3 expected to last approximately two weeks;

4 WHEREAS, due to health issues that have become increasingly serious, Plaintiff's counsel has
5 also been scheduled for back surgery on August 11, 2022, and will need time to heal and recover from
6 this procedure, making the current briefing schedule difficult to accommodate;

7 WHEREAS, the parties agree that a continuance of the hearing date and briefing scheduling will
8 allow Plaintiff's counsel the time necessary to recover from surgery and draft an opposition brief, and
9 also allow counsel the ability to attend his pre-scheduled trial on October 31, 2022;

10 WHEREAS, the parties have checked the Court's availability on its website and understand that
11 November 21, 2022, is the first available hearing date after the expected conclusion of Plaintiff's
12 counsel's above-mentioned trial;

13 WHEREAS, if the parties' request is approved, the issue will be fully briefed for the Court's
14 consideration over six (6) weeks in advance of the hearing date;

15 NOW THEREFORE, the parties agree on the following, subject to Court approval:

- 16 1. Plaintiff's Opposition deadline shall be continued from August 22, 2022, to September
17 19, 2022;
- 18 2. Defendants' Reply deadline shall be continued from September 6, 2022, to October 7,
19 2022;
- 20 3. The hearing on Defendants' Motion shall be continued from October 31, 2022, to
21 November 21, 2022, at 1:30 p.m.;

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SO STIPULATED.

Dated:

Respectfully submitted,

ALMADANI LAW

By: /s/ Yasin M. Almadani
YASIN M. ALMADANI

Attorneys for Plaintiff

PHILLIP A. TALBERT
United States Attorney

By: /a/ Joseph Frueh
JOSEPH B. FRUEH
Assistant United States Attorney

Attorneys for Defendants

IT IS SO ORDERED:

1. Plaintiff's Opposition deadline shall be continued from August 22, 2022, to September 19, 2022;
2. Defendants' Reply deadline shall be continued from September 6, 2022, to October 7, 2022;
3. The hearing on Defendants' Motion shall be continued from October 31, 2022, to **November 14, 2022, at 1:30 p.m.**; and
4. The Scheduling Conference is reset for **January 30, 2023 at 1:30 p.m.** A joint status report shall be filed no later than January 17, 2023.

Dated: August 10, 2022



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE